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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION	)	DOCKET NO.
On Its Own Motion	)	10-0275
-vs-	)	
COMMONWEALTH EDISON COMPANY	)	
Reconciliation of revenues	)	
collected under power procurement	)	
riders with actual costs	)	
associated with power procurement	)	
expenditures.	)	

Springfield, Illinois  
Wednesday, August 17, 2011

Met, pursuant to notice, at 9:30 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

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ROONEY, RIPPKE & RATNASWAMY, L.L.P.  
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(Appearing via teleconference on  
behalf of Commonwealth Edison  
Company)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
CSR #084-002710

1       APPEARANCES: (Continued)

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7                               (Appearing via teleconference on  
8                               behalf of Commonwealth Edison  
9                               Company)

10          MS. NICOLE T. LUCKEY  
11          MR. JOHN L. SAGONE  
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16                               (Appearing via teleconference on  
17                               behalf of Staff witnesses of the  
18                               Illinois Commerce Commission)

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1		<u>I N D E X</u>			
2					
3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
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13		<u>EXHIBITS</u>			
14					
15				<u>MARKED</u>	<u>ADMITTED</u>
16	ComEd Exhibits 1.0, 1.1, 1.2, 2.0,			E-Docket	33
17	3.0, 3.1, 4.0, 5.0, 5.1, 5.2				
18	ComEd Exhibits 6.0, 7.0, 8.0, 9.0			Late-file	
19					
20	ICC Staff 1.0			E-Docket	36
21	ICC Staff 1.1			Late-file	
22					

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PROCEEDINGS

JUDGE JONES: Good morning. I call for hearing Docket Number 10-0275. This is titled in part Illinois Commerce Commission on its own motion versus Commonwealth Edison Company, reconciliation of revenues collected under power procurement riders with actual costs associated with power procurement expenditures.

At this time may we have the respective appearances orally for the record? If you have appeared at a prior hearing, you need not restate your business address or phone number or spell your name, unless any of those things have changed or you simply prefer to do that. We will start with the appearances on behalf of Commonwealth Edison Company.

MR. RATNASWAMY: John Ratnaswamy on behalf of Commonwealth Edison Company.

MR. BERNSTEIN: And also Eugene Bernstein on behalf of ComEd.

MS. LUCKEY: And appearing on behalf of Staff of the Illinois Commerce Commission, Nicole Luckey

1     and John Sagone.

2             JUDGE JONES:   Thank you.   Are there any other  
3     appearances?

4                             (No response.)

5             Let the record show there are not.

6             Do the parties have some further  
7     scheduling to propose at this time or did you have  
8     something else in mind?

9             MR. RATNASWAMY:   Your Honor, if I could just  
10    recap quickly and then make a proposal for going  
11    forward, at the March 17, I think it was, yeah, March  
12    17 status, you had indicated some information I think  
13    you would like to see in the record and the Company  
14    filed their rebuttal a week after that.

15             Then some significant additional  
16    discovery was conducted, and Staff suggested they  
17    wanted some further information or documents in the  
18    record and that led to the Company's filing  
19    surrebuttal.   And then at this point, as I understand  
20    it, although I wasn't a party to the conversation,  
21    Staff would be satisfied if the Company moved in or  
22    we moved on an agreed basis two additional data

1 request responses, and from the parties' perspective  
2 that would complete the record and there would not be  
3 any contested issue. But, of course, that would be  
4 subject to -- and you may not have had an opportunity  
5 to think this through -- whether you yourself had any  
6 questions for the witnesses. If you did not, then we  
7 could move the evidence in by affidavit and we would  
8 suggest scheduling a timeline for presenting -- for  
9 that to occur and for a draft Proposed Order.

10 If you were to have questions or if  
11 you are not prepared to say whether you have  
12 questions, then maybe we would need to set another  
13 status and give you some time to think that over.

14 JUDGE JONES: Were you looking to close the  
15 record today subject to the above things being done?

16 MR. RATNASWAMY: We could do that. If you knew  
17 that you did not have any questions then I believe --  
18 now Staff will have to confirm this -- but I believe  
19 then all we would have to do would be to submit  
20 affidavits. I am sorry, and the two data request  
21 responses.

22 MR. SAGONE: Yes, that's Staff's understanding,

1 Judge.

2 JUDGE JONES: So did you want to do all that  
3 today, move everything that's been filed into the  
4 record and late file the DR responses and close the  
5 evidentiary record today or did you want to handle  
6 that differently?

7 MR. RATNASWAMY: If that would be acceptable to  
8 Your Honor, that would be agreeable to us.

9 MR. BERNSTEIN: John, we have to late file the  
10 affidavits as well.

11 MR. RATNASWAMY: Right, right.

12 MR. SAGONE: And Staff would have to -- we  
13 could probably file an affidavit today.

14 MR. RATNASWAMY: I don't know Mr. Waden's or  
15 Mr. McNeil's availability today, so I can't say for  
16 sure whether we could do the affidavits today. We  
17 would do them as promptly as we could.

18 JUDGE JONES: Yeah, if the parties want to go  
19 ahead and move their testimony filings into the  
20 record today and then submit the DR responses as a  
21 sort of agreed-to late-filed exhibit and there is  
22 agreement on all that, I do not have any problem with

1     it.   And the affidavits would be late-filed as well.  
2     There would be no really -- we can put some kind of  
3     time frame in there, but there would be no particular  
4     hurry in getting those submitted unless somebody  
5     thought there needed to be.

6           MR. RATNASWAMY:   All right.   Then if it is okay  
7     with everyone, I will just proceed to do that now for  
8     our materials.

9                               ComEd would move into evidence,  
10    subject to the strictures just described, including  
11    submitting affidavits and the late-filed two data  
12    request responses, the direct testimony of Mr. Waden  
13    which is ComEd Exhibit 1.0 with two attachments, 1.1  
14    and 1.2; the direct testimony of Mr. McNeil which is  
15    ComEd Exhibit 2.0; the rebuttal testimony of  
16    Mr. Waden which is ComEd Exhibit 3.0 with its  
17    attachment 3.1; the rebuttal testimony of Mr. McNeil  
18    which is ComEd Exhibit 4.0; the supplemental rebuttal  
19    testimony of Mr. McNeil with its two attachments  
20    which is 5.1 and 5.2.

21                           Then consistent with the request of  
22    Staff we would propose to submit a late-filed



1 exhibit, and I don't know if Your Honor would like to  
2 give it a number, but the data request response is  
3 DAB 2.01 and 3.05. To the best of my recollection  
4 they were not marked as confidential, but I would  
5 have to double check that. And I believe one of them  
6 had a supplement so I am going to assume that Staff  
7 would like the supplement into evidence as well.

8                   And if we were going to number them  
9 sequentially, then I guess DAB 2.1 would be ComEd  
10 Exhibit 6.0, and DAB 3.05 and its supplement would be  
11 ComEd Exhibit 7.0, and then we would submit  
12 affidavits of Mr. Waden and Mr. McNeil. And if those  
13 were to be numbered, then they would be respectively  
14 ComEd Exhibit 8.0 and 9.0.

15           JUDGE JONES: All right. Does that  
16 identification and everything else sound satisfactory  
17 to Staff?

18                   (No response.)

19                   Does Commission Staff have any  
20 objection to what ComEd is proposing to do as  
21 outlined a couple minutes ago?

22           MR. SAGONE: No objection, Your Honor.

1           JUDGE JONES:   Okay, thank you.   Let the record  
2   show those items of testimony just read into the  
3   record are hereby admitted into the evidentiary  
4   record.   They are admitted as they appear on  
5   e-Docket.   As noted, that includes ComEd Exhibits  
6   1.0, 1.1 and 1.2 filed on e-Docket on December 30,  
7   2010.   It also includes ComEd Exhibits 2.0 which  
8   reflects an e-Docket filing date of January 3, 2011.  
9   It also includes 3.0, 3.1 and 4.0 filed on e-Docket  
10   on March 24, 2011.   It also includes ComEd Exhibits  
11   5.0, 5.1 and 5.2 filed on e-Docket on August 3, 2011.  
12   The witnesses who were the once who prepared that  
13   testimony were already identified this morning by  
14   Mr. Ratnaswamy, so I will not read their names again  
15   into the record at this time.

16                               (Whereupon ComEd Exhibit 1.0,  
17                               1.1, 1.2, 2.0, 3.0, 3.1, 4.0,  
18                               5.0, 5.1 and 5.2 were admitted  
19                               into evidence.)

20           JUDGE JONES:   I think that covers the ComEd  
21   prefiled.   Let me make sure.   Mr. Ratnaswamy, were  
22   those items complete and the filing dates correct?

1           MR. RATNASWAMY: I believe so. I am not sure  
2 if you also referred to Mr. McNeil's supplemental  
3 rebuttal which was filed on e-Docket on August 3, I  
4 believe, with two attachments. And also I think both  
5 data request responses had supplemental responses, so  
6 I meant to include that as well.

7           JUDGE JONES: So the above-referenced filed  
8 exhibits are admitted. The DR responses bearing  
9 identification numbers noted for the record by  
10 Mr. Ratnaswamy will be filed within two weeks of  
11 today's date. Leave is given to ComEd to make that  
12 filing. As noted, that will be 6.0 and 7.0 and will  
13 include the DR responses and any supplements to it  
14 that he just noted for the record.

15                   In addition, the affidavits will be  
16 numbered as 8.0 and 9.0, and leave is given to make  
17 those filings within two weeks of today's date. 6.0,  
18 7.0, 8.0 and 9.0 will be deemed admitted into the  
19 evidentiary record upon their being filed.

20                   I think that may cover the bases there  
21 on the ComEd materials. Let me make sure. Staff or  
22 ComEd counsel have any points of clarification with

1        regard to those ComEd exhibits filed or to be filed?

2                MR. RATNASWAMY:    Not for ComEd, Your Honor.

3                MR. SAGONE:    None from Staff.

4                JUDGE JONES:    Does ComEd have anything else  
5        before we move along to the Staff side of things?

6                MR. RATNASWAMY:    No, Your Honor.

7                JUDGE JONES: All right.    Is Staff counsel ready  
8        to proceed with the Staff case?

9                MR. SAGONE:    Yes, Your Honor.    Staff would move  
10       for entry into evidence ICC Staff Exhibit 1.0 which  
11       is the prefiled direct testimony of Bonita A. Pearce,  
12       P-E-A-R-C-E, 2011, and consists of a cover page and  
13       seven pages of questions and answers.

14                        In addition, we will be filing an  
15       affidavit which would be referred to as ICC Staff  
16       Exhibit 1.1.    We would anticipate that we should be  
17       able to file that later today.

18                JUDGE JONES:    All right.    Now, at the close of  
19       the Staff testimony filing there was some, I think,  
20       some recommendations that were made.    What is the  
21       status of those?    I am looking at page 6.    Have those  
22       recommendations been met at this time?

1           MS. LUCKEY: Your Honor, Staff is satisfied  
2 with the information provided by the Company and  
3 believe that, with the addition of the supplemental  
4 responses to the data requests being in the  
5 evidentiary record, that we have satisfied --

6           JUDGE JONES: I think sort of the last part of  
7 your answer sort of fell off there after the word  
8 "satisfied."

9           MS. LUCKEY: Oh, yeah, that all of Staff  
10 concerns have been addressed at this point with the  
11 admission of those data requests into evidence.

12          JUDGE JONES: Thank you. Let the record show  
13 that Staff Exhibit 1.0 filed on March 10, 2011, is  
14 admitted into the evidentiary record. Leave is given  
15 to Staff to file an affidavit to be identified as  
16 Staff Exhibit 1.1 and will use the same filing time  
17 frame as was provided to ComEd. Of course, any of  
18 those filings can be made or may be made sooner, if  
19 you wish to do so.

20                               (Whereupon Staff Exhibit 1.0 was  
21                               admitted into evidence.)

22          JUDGE JONES: Is there anything else to be

1       noted or clarified with respect to the Staff case?

2               MR. SAGONE:   Nothing, Your Honor.

3               JUDGE JONES:   All right.   Thank you.   With  
4       regard to any additional post-hearing filings such as  
5       a Suggested Order, do you want to go off the record  
6       to discuss that or are you ready to put something in  
7       at this time?

8               MR. RATNASWAMY:   Perhaps if we could just very  
9       briefly go off the record, Your Honor.

10              JUDGE JONES:   For that purpose we hereby go off  
11       the record.

12                               (Whereupon there was then had an  
13                               off-the-record discussion.)

14              JUDGE JONES:   Back on the record.   There was an  
15       off-the-record discussion for the purposes indicated.  
16       I think Staff and ComEd counsel have come up with a  
17       plan for submission of a Draft or a Suggested Order.  
18       Let's just start with the actual filing date that  
19       that will be made with the Commission.   What's the  
20       date proposed for that, for the filing with the  
21       Commission?   Was that October 12?

22              MR. RATNASWAMY:   October 12, yes.

1 JUDGE JONES: And then there was a date ahead  
2 of that for circulation of a draft from ComEd to  
3 Staff. I don't know if you want to put that date in  
4 the record or not, but if you want to, go ahead.

5 MR. RATNASWAMY: Sure, I think the outer  
6 boundary of that is September 28. Hopefully, we can  
7 do it sooner, but that would be the target.

8 JUDGE JONES: All right. Thank you. Are those  
9 dates acceptable to Staff?

10 MS. LUCKEY: Yes, Your Honor.

11 JUDGE JONES: All right. Let the record show  
12 that those dates are hereby built into the  
13 post-hearing scheduling in this case.

14 I think that may cover the bases, but  
15 let's check. Do the parties have anything else for  
16 today's purposes before we mark the record closed and  
17 heard and taken subject to the post-hearing  
18 scheduling put in the record?

19 MR. RATNASWAMY: Not for Commonwealth Edison  
20 Company.

21 MR. SAGONE: Nothing from Staff.

22 JUDGE JONES: Thank you. At this time let the

1 record show that today's hearing is over. Our thanks  
2 to counsel for ComEd for circulating the call-in  
3 number. Let the record show that this matter is  
4 hereby marked heard and taken subject to the  
5 above-referenced post-hearing scheduling.

6 HEARD AND TAKEN

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